

2013 DRAFTING REQUEST

Bill

Received: **2/26/2013** Received By: **chanaman**
 Wanted: **As time permits** Same as LRB:
 For: **Joel Kleefisch (608) 266-8551** By/Representing: **Rick Braun**
 May Contact: Drafter: **chanaman**
 Subject: **Criminal Law - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Theft of telecommunication or video services

Instructions:

See attached--2009 SB-443

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 2/26/2013	csicilia 3/15/2013	jfrantze 3/15/2013	_____			
/1				_____	sbasford 3/15/2013	lparisi 3/21/2013	State S&L Crime

FE Sent For:

→ At
Intro.

<END>

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/?	chanaman	1	gs	3/15			
				13			

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

2013-14

-1742/1
LRB-3270/1

CMH:kfph

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js

P.W.F.

2009 SENATE BILL 443

January 7, 2010 - Introduced by Senators PLALE, KRI
cosponsored by Representatives ZERNICK, SO
HIXSON, MASON, ZIGMUNT, MONTGOMERY, SUDER
Committee on Judiciary, Corrections, Insurance
and Housing.

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- 1 AN ACT to amend 943.45 (3) (a), 943.46 (4) (a) and
2 relating to: theft of communication and video ser
3 from the theft of certain services, and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from obtaining without payment telecommunications service and from obtaining without payment video service. A person who violates either prohibition for the first time is subject to a Class C forfeiture. Under this bill, a person who violates either prohibition for the first time is guilty of a Class C misdemeanor.

Under current law if a person who incurs injury as a result of theft of telecommunications service, commercial mobile service, video service, or satellite cable programming prevails in a civil suit against the person who committed the theft, the court must grant the injured person actual damages, costs, and disbursements. The court is not permitted to grant attorney fees unless the person who committed the theft did it willfully and for commercial advantage or was previously convicted for the same violation. This bill permits the court to grant reasonable attorney fees for a first violation without regard to commercial advantage.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

or previous conviction

willfulness

SENATE BILL 443

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 943.45 (3) (a) of the statutes is amended to read:

943.45 (3) (a) Except as provided in pars. (b) to (d), any person who violates sub.

(1) is ~~subject to~~ ^{guilty of} a Class C forfeiture misdemeanor.

SECTION 2. 943.46 (4) (a) of the statutes is amended to read:

943.46 (4) (a) Except as provided in pars. (b) to (d), any person who violates sub.

(2) (a) to (f) is ~~subject to~~ ^{guilty of} a Class C forfeiture misdemeanor.

SECTION 3. 943.48 (1m) of the statutes is amended to read:

943.48 (1m) Except as provided in sub. (2), if the person who incurs the loss prevails, the court shall grant the prevailing party actual damages, costs and disbursements and may grant the prevailing party reasonable attorney fees.

SECTION 4. Initial applicability.

(1) This act first applies to acts committed on the effective date of this subsection.

(END)

Parisi, Lori

From: Hanaman, Cathlene
Sent: Thursday, March 21, 2013 4:15 PM
To: Kahler, Pam; Shea, Elisabeth; Kite, Robin; Parisi, Lori; Barman, Mike; Rose, Stefanie; Basford, Sarah
Subject: Jacketing requests

PAs:

Ashlee in the Kleefisch office requests that the following drafts be jacketed. If the draft is a /p draft, I've cc'ed the attorney so the attorney can redraft the draft to an introducible version. Thanks.

LRB 0583/P1: Premarital agreement at divorce	PJK
LRB 0619/1: Elections, polling place registration	
LRB 0684/P1: Back Tag Requirements for hunting	EHS
LRB 0713/P1: Internet registration for Deer	RNK
LRB 1271/1: Child Custody Placement	
LRB 1684/1: Employment discrimination based on conviction records	
LRB 1689/1: Funeral Establishments and Cemeteries	
LRB 1742/1: Theft of telecommunication services	